



LEGISLATIVE BRIEFING

Iowa Department of Education

Healthy Kids Act

➔ What is it?

The purpose of the Healthy Kids Act is to establish physical activity requirements for students in kindergarten through 12th grade and to establish nutritional content standards for food and beverages sold on or provided on school grounds during the school day.

Specifically, the Healthy Kids Act does the following:

- Requires the Iowa Department of Education (Department) to establish nutritional guidelines for all foods sold on school grounds during the school day. This does not include food or beverages provided through a school breakfast or lunch program; sold for fundraising purposes; sold at concession stands, provided by parents, other volunteers, or students for class events; or provided by staff for the consumption by staff or students. The guidelines will be reviewed every five years and apply to school districts and accredited nonpublic schools.
- Calls for the Department to convene a nutrition advisory panel in collaboration with the Department of Public Health to review research on pediatric nutrition to make recommendations regarding the nutritional standards.
- Requires school districts and accredited nonpublic schools to ensure that every kindergarten through fifth-grade student has 30 minutes a day of physical activity and every sixth- through 12th-grade student has 120 minutes per week of physical activity. Physical activity will be defined in Department rules and can include physical education classes, recess, interscholastic activities, school activities, and non-school activities.
- Calls for the Department to convene a working group of elementary and secondary fitness professionals and stakeholders to assist the Department in developing physical activities and models that will describe ways in which school districts may incorporate physical activities for students. These activities and models will be made available to schools in March 2009.
- Requires every student by the end of grade 12 to complete a course that leads to cardiopulmonary resuscitation (CPR) certification. The law exempts students unable to physically manage the course.
- Requires Iowa's Area Education Agencies (AEAs), or a consortium of two or more AEAs, to contract with a licensed dietician for the support of nutritional provisions in individual education plans and provide information to support school nutrition coordinators.

➔ How did it come about?

The Healthy Kids Act was established on May 13, 2008 when Governor Chet Culver signed into

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law Senate File 2425. This amended Iowa Code Section 256.7, Code Supplement 2007, new Subsection 29; Section 256.9, Sections 57 and 58; Section 256.11, Subsection 6, Code Supplement 2007; and Section 273.2, Code 2007, new Subsection 7.

Rules providing guidance on the Healthy Kids Act will be included in two sections of Iowa Administrative Code — Chapter 12 and Chapter 58. The State Board of Education gave public notice on December 11, 2008 of its intent to amend these chapters. The Board will address whether or not to adopt the rules in April 2009.

➔ **Where does this initiative currently stand?**

School districts will be required to implement the Healthy Kids Act on July 1, 2009. The requirement for graduates to complete a CPR certification course will begin with the graduating class of 2011-2012.

The rule making process is currently underway and once it is completed districts will have further guidance for implementation. In addition, the Iowa Department of Education will provide information as needed to districts.

To prepare for implementation of the Healthy Kids Act, the Iowa Department of Education, in collaboration with the Department of Public Health, convened a nutrition advisory panel to review research on pediatric nutrition to make recommendations regarding the nutritional standards. This panel included representatives as prescribed by the legislation, such as the Iowa Chapter of the American Academy of Pediatrics and the Iowa Dietetic Association. In addition, the Department assembled a working group of elementary and secondary fitness professionals and stakeholders to assist the Department in developing physical activities and models that describe ways in which school districts may incorporate physical activities for students. This group included representatives from the Red Cross, the American Heart Association of Iowa, the Department of Public Health, and other organizations.

➔ **How will this initiative helped Iowa students?**

Over the past 30 years, the number of children who are overweight and obese has more than doubled, and the current generation of children is the first to have a lower life expectancy than the one that came before it. Data suggests the prevalence of overweight youths in Iowa, both very young and pre-adolescent, appears to outpace national rates and places our youth at increased risk for a host of chronic diseases.

By providing physical activity and nutritional standards for students in the school setting, the Healthy Kids Act attempts to help address this issue. It is clearly understood that the school setting is just one environment in a student's life. This does not reach into students' homes or into student choices before and after the school day.

However, this law attempts to get Iowa's children moving and increase nutritional choices in school; helping to give them a solid foundation for a better future.

➔ **Where can I get more information?**

Please visit www.iowa.gov/education and click on "Laws & Regulations," and then "Administrative Rules Calendar" for the noticed rules. Additional information also follows this brief.

Healthy Kids Act

Senate File 2425

Iowa Department of Education
Grimes State Office Building
Des Moines, IA 50319

January 2009

State of Iowa
DEPARTMENT OF EDUCATION
Grimes State Office Building
Des Moines, Iowa 50319-0146

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If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 N. Canal Street, Suite 1053, Chicago, IL 60606-7204.

Background:

Senate File 2425 requires students in grades K-5 to participate in 30 minutes of physical activity a day and for students in grades 6-12 to participate in 120 minutes a week. Students are also required to complete a course that leads to CPR certification before they graduate. Students in grades 6-12 are able to meet the physical activity requirement through interscholastic athletics, school activities, and non-school activities. A pupil is not required to meet the mandates of SF 2425 if their parent writes a letter stating these requirements conflict with the student's religious beliefs.

The rules for the Healthy Kids Act were noticed on December 11, 2008, by the State Board of Education. A public hearing will be held from 2:30-4:00 p.m. on February 3, 2009. The Department will revisit the rules after the public hearing and the State Board of Education is scheduled to adopt the rules on April 30, 2009.

Physical Activity Working Group:

The Iowa Department of Education (DE) convened a physical activity working group. The stakeholders who served on the working group are listed below:

John Baker	Des Moines Public Schools
Debbie Boring	Iowa Department of Education
Mark Crouch	Dowling Catholic High School
Ken Daley	Iowa Heart Association
Kevin Fangman	Iowa Department of Education
Paul Flynn	Davenport Community School District
Scott Kelley	Boone Community School District
Rip Marston	University of Northern Iowa
Bill Morain	Iowa Association of School Boards
Mary Orman	Ottumwa Community School District
Barb Schoenjahn	Starmont Community School District
Maryann Sinkler	Iowa Red Cross
Sarah Taylor	Iowa Department of Public Health
Ed Thomas	Iowa Department of Education
Valerie Unkrich	Iowa Association for Health, Physical Education, Recreation, and Dance
Dan Vogeler	School Administrators of Iowa
John Walling	Des Moines Public Schools
Lana Wohlers	Knoxville Community School District

The working group gave input to the Department regarding the content of the rules. They also worked through the many challenges that the legislation posed at the secondary level. The two biggest issues were block scheduling and students who have a full schedule of academic courses. They recommended allowing individual student contracts for students so they can meet the physical activity requirements outside of school.

The working group also developed implementation models for elementary, middle, and high schools. These models describe ways schools may incorporate physical activity for students into the educational program. These models are being finalized by the Department and will be released to school districts in early March 2009.

Recommendations for Changes in Policy or Statute:

The Department recommends that the history, intent, and current value of physical education waivers (IC 256.11(5)(g)) be revisited.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF EDUCATION
JUDY A. JEFFREY, DIRECTOR

DATE: September 12, 2008

TO: Administrators of Public School Districts
Administrators of Accredited Nonpublic Schools
AEA Administrators

FROM: Kevin Fangman, Administrator
Division of PK-12 Education

SUBJECT: Guidance on Senate File 2425 otherwise known as the "Healthy Kids Act."

The purpose of this memo is to provide background information about the requirements of the "Healthy Kids Act" and inform school districts, accredited nonpublic schools, and AEAs of the actions the Iowa Department of Education (Department) is taking, and to outline what actions need to be taken beginning in the 2009-2010 school year. **School districts will be required to implement applicable parts of the Healthy Kids Act on July 1, 2009. Additional guidance will come out in early 2009 after the rulemaking process is complete.** The Healthy Kids Act does the following:

- Requires the adoption of rules by the State Board of Education that establish nutritional content standards for food and beverages sold or provided on school grounds.
- Convenes a nutrition advisory panel in collaboration with the Department of Public Health to review research on pediatric nutrition to make recommendations to the State Board regarding the nutritional standards.
- Establishes physical activity requirements for all K-12 students.
- Convenes a working group of elementary and secondary fitness professionals and stakeholders to assist the Department in developing physical activities and models that will describe ways in which school districts may incorporate physical activities for students.
- Requires every student by the end of grade twelve to complete a certification course for cardiopulmonary resuscitation (CPR).
- Requires AEAs, or a consortium of two or more AEAs, to contract with a licensed dietician for the support of nutritional provisions in individual education plans and provide information to support school nutrition coordinators.

Nutritional Content Standards for Food and Beverages

(Amends Iowa Code Section 256.7, Code Supplement 2007, new subsection 29) The Department shall adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of Chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary

guidelines for Americans issued by the United States Department of Agriculture Food and Nutrition Service.

The Department is convening, in collaboration with the Department of Public Health, a nutrition advisory panel to review research in pediatric nutrition. The nutrition advisory panel will also submit recommendations to the State Board to consider when they establish or amend nutritional content standards. The panel will meet every five years after their initial recommendations to review their findings and make recommendations for changes as appropriate. If you have any questions about the nutritional content standards, please contact Julia Thorius at julia.thorius@iowa.gov or 515.281.4757.

Question 1: When will the nutritional content standards be amended?

The State Board of Education will adopt rules during the 2008-2009 school year that outline nutritional content standards for food and beverages sold or provided on school grounds during the school day. These will exclude school lunch programs, foods sold for fundraising, and foods and beverages sold at concession stands. The State Board shall consider the recommendations of the advisory panel when establishing or amending the rules. **The rules process will not be complete until early in 2009, and will be in effect for the 2009-2010 school year.**

Question 2: Will school districts be monitored for compliance with nutritional content standards?

Yes. The Department will monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the State Board in accordance with Section 256.7, Subsection 29. **Compliance monitoring for this area will be determined in the rules.**

Physical Activity and CPR Requirements

(Amends Section 256.11, Subsection 6, Code Supplement 2007). **Requirements for physical activity will not go into effect until the 2009-2010 school year. The requirement for graduates to complete a CPR certification course will begin with the graduating class of 2011-2012.**

Students in grades K-12 will be required to engage in physical activity for the following amounts of time:

- Students in kindergarten through grade five a minimum of 30 minutes per school day.
- Students in grades six through twelve a minimum of 120 minutes per week.

A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the physical activity requirements.

Students in grade twelve shall complete a certification course for CPR beginning in the 2011-2012 school year. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the CPR requirement if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student completed the certification course for CPR through another organization certified to offer the training.

A student is not required to enroll in either physical education, health courses, participate in physical activity, or take CPR if the student's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

Question 3: How will physical activity be defined?

This will be defined in the rulemaking process.

Question 4: Will organized and supervised athletic programs or nonschool sponsored extracurricular activities exempt students from the physical activity requirement for the portion of the school year in which they participate?

The statutory intent is to allow many of these activities to count toward the physical activity requirement. Details will be forthcoming when the rulemaking process is complete in early 2009.

Question 5: Are graduating classes (starting with the class of 2011-2012) required to have CPR certification when they graduate?

No. They are only required to have completed a CPR certification course.

Assistance for Schools

The Department has convened a working group of elementary and secondary fitness professionals and stakeholders so clear guidance and examples can be given to schools. The working group will assist the Department with the following:

- To define physical activity and develop physical activity requirements.
- To provide guidance in the rulemaking process for Senate File 2279.
- To develop models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program.

This information will be used to guide implementation of this legislation and identify implications for future policy or statute. If you have any questions about the physical activity or CPR requirements, please contact Kevin Fangman at kevin.fangman@iowa.gov or 515.281.3333 for additional information.

Dieticians

(Amends Iowa Code Section 273.2, Code 2007, new Subsection 7) This amendment requires AEAs to contract with one or more licensed dieticians beginning in the 2008-2009 school year. Dieticians are to provide.... "support of the nutritional provisions in individualized education plans (IEPs) developed in accordance with Chapter 256B."

A student with an IEP should already have a plan in place if dietary services are needed. The AEA dietician would be available to schools for consultation for those services as necessary. If you have additional questions on the guidance pertaining to dieticians, please contact Julie Curry at julie.curry@iowa.gov or 515.281.5437.